



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 13 2004

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert D. Morrison
Abbott Laboratories
200 Abbott Park Road
Dept. 50D, Bldg. AP52S
Abbott Park, IL 60064-6212

Dear Mr. Morrison:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves violations at Abbott Laboratories's North Chicago, Illinois facility, CAA Docket No. CAA-05- 2004 0036. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on AUG 16 2004.

Pursuant to paragraph 60 of the CAFO, Abbott must pay the civil penalty within 30 days of AUG 16 2004. Your check must display the case docket number, CAA-05- 2004 0036 and the billing document number, 050304029.

Please direct any questions regarding this case to Cynthia A. King, Associate Regional Counsel, (312) 886-6831.

Sincerely yours,

JL Galu, for

Linda Rosen, Chief
Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Abbott Laboratories
North Chicago, Illinois

Respondent.

) Docket No. CAA-05- 2004 0036
)
) Consent Agreement and Final
) Order
)
)
)

CONSENT AGREEMENT AND FINAL ORDER

I. JURISDICTIONAL AUTHORITY

1. This is a civil administrative action instituted and settled pursuant to Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b), and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA), brings this administrative action seeking a civil penalty under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

3. The Respondent is Abbott Laboratories (Abbott or Respondent), a corporation doing business in Illinois.

US ENVIRONMENTAL
PROTECTION AGENCY
REGION 5

04 AUG 16 P3:51

RECEIVED
REGIONAL OFFICE
01/04

• • • • •

II. REGULATORY BACKGROUND

4. Under Section 608 of the Act, 42 U.S.C. § 7671g, the Administrator of U.S. EPA promulgated regulations establishing standards and requirements regarding the use of Class I and Class II substances during the service, repair, or disposal of industrial process refrigeration at 40 C.F.R. § Part 82 (Stratospheric Ozone Standards).

5. The Stratospheric Ozone Standards, Subpart F, apply to any person servicing, maintaining, repairing, or owning "appliances," as that term is defined at 40 C.F.R. § 82.152.

6. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.152, define "industrial process refrigeration" as complex customized appliances used in the chemical . . . industries. These appliances are directly linked to the industrial process.

7. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(2), require that an owner or operator of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 35 percent during a twelve month period.

8. The Stratospheric Ozone Standards, at 40 C.F.R.

§ 82.156(i)(9), require that an owner or operator of industrial process refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(2) within 30 days after discovery of the leak.

9. The Stratospheric Ozone Standards, at 40 C.F.R.

§ 82.156(i)(3), require that an owner or operator of industrial process refrigeration equipment conduct an initial verification test at the conclusion of the repairs and a follow-up verification test within 30 days after the initial verification test.

10. The Stratospheric Ozone Standards, at 40 C.F.R.

§ 82.156(i)(6), state that a one-year retrofit and retirement plan must be developed within 30 days of a failed follow-up verification test. The plan must be kept at the site of the appliance.

11. The Stratospheric Ozone Standards, at 40 C.F.R.

§ 82.156(i)(3)(ii), require that an owner or operator must retrofit or replace industrial process refrigeration equipment within one year of a failed follow-up verification test.

12. The Stratospheric Ozone Standards, at 40 C.F.R.

§ 82.156(i)(3)(iii), require that an owner or operator of industrial process refrigeration equipment that fails a follow-up verification test must notify U.S. EPA within 30 days of the failed follow-up verification test.

13. The Stratospheric Ozone Standards, at 40 C.F.R.

§ 82.156(i)(5), require that the owners or operators of comfort cooling refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period. Repairs must reduce annual leak rates to below 15 percent during a 12-month period.

14. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(9), require that the owners or operators of comfort cooling refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(5) within 30 days after discovery of the leak.

15. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for per day of violations that occurred between January 31, 1997 and March 15, 2004, and may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for violations that occurred after March 15, 2004 under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19, as amended at 69 Fed. Reg. 7121 (February 13, 2004).

16. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and Attorney General of

the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

17. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this complaint.

III. FACTUAL ALLEGATIONS

18. Abbott is a "person" as defined at Section 302(e) of the Act, 42 U.S.C. § 7602(e).

19. Abbott owns and operates a health care product manufacturing plant at 1401 Sheridan Road, North Chicago, Illinois (the North Chicago facility).

20. The North Chicago facility contains 57 industrial process refrigeration units with a normal charge greater than 50 pounds, including Chiller C2A (B2097), Vilter West Chiller (B1517), Vilter Chiller (KK6875), and FES Chiller (LC918095).

21. The four industrial process refrigeration units referenced above at the North Chicago facility use, or used, the class II refrigerant HCFC-22, or R-22.

22. The four industrial process refrigeration units at the North Chicago facility experienced leaks between January 1, 1999

and March 29, 2002, that resulted in an annual leak rate of each unit exceeding 35 percent.

23. Abbott failed to repair the four industrial process refrigeration units such that the leak rate was below 35 percent.

24. Abbott failed to perform initial and follow-up verification tests to verify that the repairs performed had brought the leak rate of the four industrial process refrigeration units to below 35 percent.

25. Abbott did not develop retrofit or retirement plans for the four industrial process refrigeration units when repairs performed were unable to bring the leak rate to below 35 percent.

26. Abbott did not retrofit or retire the four industrial process refrigeration units when repairs performed were unable to bring the leak rate to below 35 percent.

27. Abbott did not notify the U.S. EPA after repairs on the four industrial process refrigeration units failed to bring the leak rates to below 35 percent.

28. In 2003, Abbott retired Chiller C2A (B2097).

29. The North Chicago facility contains 3 comfort cooling refrigeration units with a normal charge greater than 50 pounds, including the York Chiller (LC958598).

30. The York Chiller (LC958598) at the North Chicago facility uses the class II refrigerant HCFC-22, or R-22.

31. The York Chiller (LC958598) at the North Chicago facility experienced leaks between January 1, 1999 and March 29, 2002, that resulted in an annual leak rate exceeding 15 percent.

32. Abbott performed repairs on the York Chiller (LC958598) at the North Chicago facility, but failed to reduce the leak rate below 15 percent.

33. Abbott did not develop a retrofit or retirement plan for the York Chiller (LC958598) at the North Chicago facility when repairs failed to reduce the leak rate below 15 percent.

34. Abbott Laboratories did not retrofit or retire the York Chiller (LC958598) at the North Chicago facility when repairs failed to reduce the leak rate below 15 percent.

35. On January 15, 2004, U.S. EPA issued a Finding of Violation to Abbott.

IV. ALLEGED VIOLATIONS

36. As set forth above, Abbott failed to repair leaking industrial process refrigeration equipment such that the annual leak rate was brought below 35 percent, in violation of 40 C.F.R. § 82.156(i)(2) and Section 608 of the Act, 42 U.S.C. § 7471g.

37. As set forth above, Abbott failed to conduct initial and follow-up verification tests to ensure that repairs to leaking industrial process refrigeration equipment had been successful in violation of 40 C.F.R. § 82.156(i)(3) and Section 608 of the Act, 42 U.S.C. § 7471g.

38. As set forth above, Abbott failed to develop a one-year retrofit and retirement plan for leaking industrial process refrigeration equipment within thirty days of a failed follow-up verification test in violation of 40 C.F.R. § 82.156(i)(6) and Section 608 of the Act, 42 U.S.C. § 7471g.

39. As set forth above, Abbott failed to retrofit or retire leaking industrial process refrigeration equipment within one year of a failed follow-up verification test in violation of 40 C.F.R. § 82.156(i)(3)(ii) and Section 608 of the Act, 42 U.S.C. § 7471g.

40. As set forth above, Abbott failed to notify the U.S. EPA within 30 days of a failed follow-up verification test in violation of 40 C.F.R. § 82.156(i)(3)(iii) and Section 608 of the Act, 42 U.S.C. § 7471g.

41. As set forth above, Abbott failed to repair the York Chiller (LC958598) at the North Chicago facility such that the annual leak rate of the appliance was brought below 15 percent in violation of 40 C.F.R. § 82.156(i)(5) and Section 608 of the Act, 42 U.S.C. § 7471g.

42. As set forth above, Abbott failed to develop a one-year retrofit or retirement plan for the York Chiller (LC958598) at the North Chicago facility in violation of 40 C.F.R. § 82.156(i)(6) and Section 608 of the Act, 42 U.S.C. § 7471g.

43. As set forth above, Abbott failed to retrofit or retire the York Chiller (LC958598) at the North Chicago facility in violation of 40 C.F.R. § 82.156(i)(6) and Section 608 of the Act, 42 U.S.C. § 7471g.

V. TERMS OF SETTLEMENT

44. The parties agree that settling this action is in the public interest, that the entry of this Consent Agreement and Final Order (CAFO) without the filing of a Complaint or engaging in further litigation is the most appropriate means of resolving this matter, and that the purpose of this CAFO is to ensure compliance with Section 608 of the Act, 42 U.S.C. § 7671g, and the terms of this CAFO;

NOW, THEREFORE, before the taking of any testimony, upon the alleged violations, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

45. This settlement is pursuant to, and in accordance with, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

46. Abbott admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations.

47. Abbott consents to the issuance of this CAFO, the assessment of a civil penalty, and the performance of a Supplemental Environmental Project (SEP), as outlined in Section VII of this CAFO.

48. Abbott consents to all of the conditions in this CAFO.

49. Abbott waives its right to a hearing as provided at 40 C.F.R. § 22.15(c).

50. Abbott waives its right to contest the allegations in this CAFO, and waives its right to appeal under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

51. Abbott certifies that it has retired Chiller C2A (B2097).

52. In an Administrative Consent Order issued simultaneously with this CAFO, Abbott agrees that it will retire the Vilter Chiller (KK6875), will retrofit the Vilter West Chiller (B1517), the FES Chiller (LC918095), and the York Chiller (LC958598) to use U.S. EPA approved non-ozone depleting refrigerants, and will retrofit #B1910 and #LC919416, in lieu of retrofitting retired units Chiller C2A (B2097) and the Vilter Chiller (KK6875).

53. Abbott certifies that it is complying fully with the Stratospheric Ozone Standards at its health care products manufacturing plant in North Chicago, Illinois.

54. This CAFO constitutes a settlement by U.S. EPA of all claims for civil penalties pursuant to Section 608 and 113 of the Act, 42 U.S.C. §§ 7671g and 7413, for the violations alleged in Section IV of this CAFO. Nothing in this CAFO is intended to, nor shall be construed to, operate in any way to resolve any

criminal liability of Abbott arising from the violations alleged in this CAFO or liability related to other violations of the Act. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to Federal laws and regulations administered by U.S. EPA, and it is the responsibility of Abbott to comply with such laws and regulations.

55. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

56. Each party shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO.

57. This CAFO shall become effective on the date it is filed with the Regional Hearing Clerk, Region 5.

58. "Parties" shall mean U.S. EPA and Abbott.

VI. CIVIL PENALTY

59. Pursuant to Section 113(e) of the Act, 42 U.S.C. § 7413(e), in determining the amount of the penalty assessed, U.S. EPA took into account (in addition to such other factors as justice may require), the size of Abbott's business, the economic impact of the penalty on Abbott's business, Abbott's full compliance history and good faith efforts to comply, the duration of the violations, payments by Abbott of penalties previously assessed for the same violations, the economic benefit of

noncompliance, and the seriousness of the violations. Based on an analysis of the above factors, including, Abbott's cooperation, prompt return to compliance, and agreement to perform a SEP, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$17,903 (Seventeen Thousand Nine Hundred and Three Dollars).

60. Abbott must pay the \$17,903 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," in accordance with paragraphs 61 and 62 below, within thirty days (30) of the effective date of this CAFO.

61. Abbott must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

62. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Cynthia A. King, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

63. This civil penalty is not deductible for federal tax purposes.

64. If Abbott does not pay timely the civil penalty, or any stipulated penalties due under paragraph 77, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

65. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C.

§ 3717. Abbott will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Abbott will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

VII. SUPPLEMENTAL ENVIRONMENTAL PROJECT

66. Abbott has agreed to complete the following SEP: retrofitting two industrial process refrigeration units to use U.S. EPA approved non-ozone depleting refrigerants. Within thirty (30) days of the effective date of this CAFO, Abbott will provide a detailed Scope of Work outlining the steps it will take and milestones with dates for completing this SEP.

67. Abbott must spend at least \$123,000 in the performance of this SEP and may not use any amount of this sum as a tax deduction.

68. Abbott must ensure that the retrofits are implemented by June 1, 2005.

69. Abbott certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Abbott further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

70. Abbott must maintain copies of any underlying research and data for all reports submitted to U.S. EPA according to this CAFO. Abbott must provide the documentation of any underlying research and data to U.S. EPA within seven days of U.S. EPA's request for the information.

71. Abbott shall submit an annual report to U.S. EPA describing the status of the SEP requirements by July 1, 2005. This report is not required to be submitted if Abbott has filed a SEP completion report as required in Paragraph 72 by July 1, 2005.

72. Abbott must submit a SEP completion report to U.S. EPA within 60 days of the full implementation of the SEP. This report must contain the following information:

- a. detailed description of the SEP as completed;
- b. description of any operating problems and the actions taken to correct the problems;
- c. itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. certification that Abbott has completed the SEP in compliance with this CAFO;
- e. certification that the cost of the SEP was not deducted from Abbott's taxes; and
- f. description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

73. Abbott must submit all notices and reports required by this CAFO by first class mail to:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

74. In each report that Abbott submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, the information is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

75. Following receipt of the SEP completion report described in paragraph 72 above, U.S. EPA will notify Abbott in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Abbott 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 77.

76. If U.S. EPA exercises option b. above, Abbott may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Abbott's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Abbott a written decision on its objection. Abbott will comply with any requirements that U.S. EPA imposes in its decision. If Abbott does not complete the SEP as required by U.S. EPA's decision,

Abbott will pay stipulated penalties to the United States under paragraph 77 below.

77. If Abbott violates any requirement of this CAFO relating to the SEP, Abbott must pay stipulated penalties to the United States as follows:

a. Except as provided in subparagraph b, below, if Abbott did not complete the SEP satisfactorily according to this CAFO, Abbott must pay a stipulated penalty of \$123,000.

b. If Abbott did not complete the SEP satisfactorily, but U.S. EPA determines that Abbott: (i) made good faith and timely efforts to complete the SEP; and (ii) certified, with supporting documents, that it spent at least 90 percent of the required amount on the SEP, Abbott will not be liable for any stipulated penalty.

c. If Abbott satisfactorily completed the SEP, but spent less than 90 percent of the required amount on the SEP, Abbott must pay a stipulated penalty of \$12,300.

d. If Abbott failed to submit timely the SEP completion report required by paragraph 72 above, Abbott must pay a stipulated penalty of \$100 for each day after the report was due until it submits the report.

e. If Abbott failed to submit timely any other report required by paragraph 71 above, Abbott must pay a stipulated penalty of \$100 for each day after the report was due until it submits the report.

78. U.S. EPA's determinations of whether Abbott satisfactorily completed the SEP and whether it made good faith, timely efforts to complete the SEP will bind Abbott.

79. Abbott must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Abbott

will use the method of payment specified in paragraph 62, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

80. Any public statement that Abbott makes referring to the SEP must include the following language, "Abbott undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Abbott for violations of the Stratospheric Ozone Standards at its North Chicago, Illinois facility."

81. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

a. Abbott must notify U.S. EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Abbott's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Abbott must take all reasonable actions to avoid or minimize any delay. If Abbott fails to notify U.S. EPA according to this paragraph, Abbott will not receive an extension of time to complete the SEP.

b. If the parties agree that circumstances beyond the control of Abbott caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.

c. If U.S. EPA does not agree that circumstances beyond the control of Abbott caused or may cause a delay in completing the SEP, U.S. EPA will notify Abbott in writing of its decision and any delays in completing the SEP will not be excused.

d. Abbott has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the

SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

VIII. General Provisions

82. This CAFO settles U.S. EPA's claims for civil penalties for the violations alleged in Section IV of this CAFO.

83. Nothing in this CAFO restricts U.S. EPA's authority to seek Abbott's compliance with the Act and other applicable laws and regulations.

84. This CAFO does not affect Abbott's responsibility to comply with the Act and other applicable federal, state, and local laws and regulations.

85. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Abbott's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

86. The terms of this CAFO bind Abbott, its successors, and assigns.

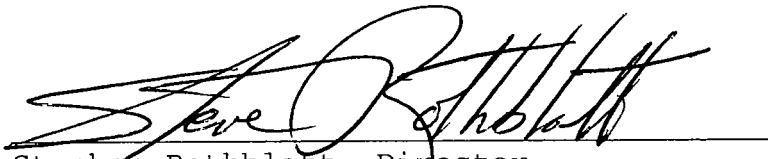
87. This CAFO constitutes the entire agreement between the parties.

88. This CAFO shall terminate following Abbott's full payment of the penalty and/or stipulated penalties due under this CAFO and upon U.S. EPA's approval of Abbott's SEP Completion Report.

CONSENT AGREEMENT AND FINAL ORDER
Abbott Laboratories
Docket No. CAA-5-2004-

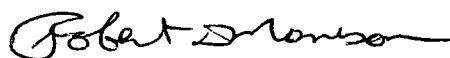
U.S. Environmental Protection
Agency, Complainant

Date: 8/12/2004


Stephen Rothblatt, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Abbott Laboratories, Respondent

Date: 7/28/04

By: 
Robert D. Morrison, Divisional Vice
President
Abbott Laboratories

CONSENT AGREEMENT AND FINAL ORDER
Abbott Laboratories, North Chicago, Illinois
Docket No.

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk.

Dated: 8-13-04

CAA-05- 2004 0036



Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

June 10, 1902

CERTIFICATE OF SERVICE

I, Shanee Rucker, certify that I hand delivered the executed original of the Consent Agreement and Final Order, docket number CAA-05- 2004 0036 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed a correct copy by first-class, postage prepaid, certified mail, return receipt requested to Abbott by placing it in the custody of the United States Postal Service addressed as follows:

Robert D. Morrison
Divisional Vice President
Abbott Laboratories
200 Abbott Park Road
Dept. 50D, Bldg. AP52S
Abbott Park, IL 60064-6212

RECEIVED
REGIONAL HEARINGS
CLERK
AUG 16 P 3:51
USE ENVIRONMENTAL
PROTECTION AGENCY
REGION 5

on the 16th day of August, 2004.

Shanee Rucker
Shanee Rucker
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320000615586639

